THE HON. SRI M. A. MANICKAVELU :—" I do sympathise with the situation. But I would earnestly request the hon. Member to suggest to me other lands that are available. I shall consider the suggestion."

SRI P. K. GOPALAKRISHNAN :—" One submission, Sir."

MR. SPEAKER :—" Yes."

SRI P. K. GOPALAKRISHNAN :—" Let the Hon. Minister during his tour of Malabar make enquiries to ascertain the correct position. At present the Hon. Minister had been making enquiries only through some officials who are liable to be influenced by certain rich people. My request to him is that he makes enquiries during his impending visit to Malabar."

SRI K. VINAYAKAM :—" Is it right for us to go on making submissions and points of information, Sir?"

MR. SPEAKER :—" The hon. Member Sri P. K. Gopalakrishnan said he wanted to make a ' submission '. When he said ' submission ', I must hear what he has got to say. I must hear what comes out of his mouth. How am I to know what the hon. Member has got to say before hearing him? (Laughter.) I must hear him. Then only I can say whether it could be admitted or not."

Prohibition offences by Government employees.

* 1655 *Q.*—SRI S. RAMALINGAM : Will the Hon. the Minister for Finance be pleased to state—

(*a*) whether the Government have issued any Government Order that a Government employee or Police official may be warned, if he has committed any offence under the Prohibition Act for the first time and that he may be dismissed, if the offence is repeated; and

(*b*) if so, whether the Government will be pleased to place a copy of the order on the table of the House?

THE HON. SRI C. SUBRAMANIAM :—" (*a*) & (*b*) No order has been issued by Government directing that a Government employee should be let off with a warning if he has committed an offence under the Prohibition Act for the first time. An order has been issued to the effect that the punishment to be awarded to a Government employee in respect of an offence under the Prohibition Act for the first time should be decided on the merits of the case and that in respect of any such second offence, the punishment should be dismissal from service. A copy of the order [a] is placed on the table of the House."

[a] Printed as Appendex on page 560 infra.

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SRI S. RAMALINGAM :—" முதல் தடவையாக ஒரு சர்ககார் அதிகாரி குடித்துவிட்டு கோர்ட்டிலே தண்டனை அடைந்திருந்தாலும்கூட, மெரிட் மேலே தீர்மானம் செய்ய வேண்டியிருப்பதாலே பலவிதமான அபிப்பிராயங்கள் ஏற்பட்டு ரொம்பச் சாதாரண தண்டனை கிடைத்துவிடுகிறது. சாக்கார் அதிகாரிகள் மற்றவர்களுக்கு என்போர்ஸ் செய்யககூடிய நிலைமையில் இருப்பதினாலே, முதல் தடவையாக தண்டனை அடைய இருந்தாலும்கூட, அவர்களை வேலையிலிருந்து நீக்க வேண்டுமென்று சர்க்கா உததிரவிடுவார்களா ?"

THE HON. SRI C. SUBRAMANIAM :—" At that rate, everybody is responsible to be punished if he does not obey the law. Even an employee in a private undertaking should be dismissed for the first offence. Why should Government servants alone be dismissed for the first offence? I can understand if a recommendation is made that if a person who is in charge of the administration of the Prohibition Act himself commits an offence, he should be dismissed even at the first instance. As a man in charge of the enforcement of the Prohibition Act, if he himself commits an offence, then it is a severe offence. I can quite understand it. But to say such dismissal should be there in all walks of life is not correct. We have to take into consideration the merits of the case in each particular case and then decide."

SRI V. BALAKRISHNAN :—" Is the Hon. Minister aware that prohibition laws are the national wealth of our country and that being so the punishment for breaking of such laws be dismissal even at the first instance?"

THE HON. SRI C. SUBRAMANIAM :—" We take a human view of this problem, because even Government servants are human beings and are likely to err. If the merits of the case does not warrant dismissal, we give him some lesser punishment. If again he repeats the offence, then he has got to be dismissed. I do not think anybody could take exception to the procedure we are adopting."

SRI M. KALYANASUNDARAM :—" இந்தக் குற்றங்களில் சர்க்கார் சிப்பந்திகள் சம்பந்தப்பட்ட வரையில் சர்க்கார் தாராள மனப்பான்மை காட்டுவதுபற்றி நான் ஆட்சேபிக்கவில்லை ; வரவேற்கின்றேன். எப்படியும் குற்றங்கள் அதிகமாகாமல் தடுக்கவேண்டுமென்பது சர்க்காருடைய கொள்கையாக இருக்க வேண்டுமென்பதுதான் என்னுடைய அபிப்பிராயம். ஆனால் சிலர் சில்லரைத் தவறு செய்திருந்தாலும், கோர்ட்டுகளிலே சாட்சிகளை விசாரிக்கும்போது சில சமயத்தில் அதிக தண்டனை கொடுக்கும்படி நடவடிக்கை எடுக்கப்படுகிறது. அதைத் தடுக்க சர்க்கார் நடவடிக்கை எடுப்பார்களா என்று கேட்கின்றேன்."

THE HON. SRI C. SUBRAMANIAM :—" The hon. Deputy Leader of the Opposition is putting forward the other point of view. I am glad about it. Even in cases where there has not been sufficient evidence for conviction but sufficient material for taking departmental action, then alone departmental action is being taken. That does not mean that we are taking an unjust view. In all these cases each case is decided on its own merits."

Sri S. PANCHAKSHARAM :—" In paragraph 2 (1) of the Government Order placed on the table of the House, I see that the punishment to be awarded in the first instance should be decided on its merits. That is, even now the penalty of dismissal is also considered as a way of punishment at the first instance. Even now the threat of dismissal is there if the merits of the case warrant such a punishment at the first instance."

The Hon. Sri C. SUBRAMANIAM :—" Yes, Sir, that was what I referred to. Even in the first instance if it is a serious offence, then he is liable to be dismissed. The question of dismissal depends on the merits of the case. When the merits of the case does not warrant dismissal, he is given a lesser punishment or a warning. If the same offence is repeated, then he is necessarily dismissed."

Sri S. DAIVASIGAMONEY :—" As far as the offence is concerned, even a person who has consumed some patent medicine or arishta containing alcohol is liable for conviction in a court by a magistrate, unless he is defended properly. In such cases much harm would be caused if even at the first instance, he is dismissed from service. Further there are very many superior officers who have got permits for consuming liquor. In fact there is a wide disparity in living between the low-paid officials who are punished for consuming patent medicines containing alcohol and arishtas and the superior officers who have got permits for consuming liquor. Therefore will the Government see to it in view of what I have said that those who are under the service of Government and who consume patent medicines containing alcohol or arishtas are not dismissed from service at the first instance?"

The Hon. Sri C. SUBRAMANIAM :—" I do not think any new light has been thrown by the hon. Member. In fact what the hon. Member has stated is there incorporated in the Government Order placed on the table of the House. But in cases where it involves a serious offence then the facts are taken into consideration and then if dismissal is warranted, the concerned person is dismissed. If, for instance, simply because one was involved in a criminal case and was convicted, he need not be dismissed."

Sri S. SWAYAMPRAKASAM :—" Two different sections of Government servants are liable to be convicted. One ection of people may be those who are in charge of the enforcement of the Act and who commit an offence under the Act. The other section of people may be those who are *not* in charge of the enforcement of the Act and who commit an offence under the Act. Will the Government see to it that those Government servants who are in charge of the enforcement of the Act and who commit an offence are transferred to some other department so that they may not commit the offence again and get dismissed."

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THE HON. SRI C. SUBRAMANIAM :—" It is not merely a question of transferirng him from the department in which he is working to another department. It is a question of taking him away from Government service. As a matter of fact, he is the very person who is entrusted with the administration of the law. If he himself breaks the law, it would be a serious offence. We will have to go into the question whether in such a case dismissal is not warranted even at the very first instance."

SRI A. GOVINDASWAMY NAYAGAR :—" மதுவிலக்கு இலாகாவில் இருப்பவர்கள் குடித்தால் வேலையிலிருந்து நீக்கப்படுவார்கள் என்று கனம் மந்திரி அவர்கள் சொன்னார்கள். இதுவரையில் மதுவிலக்கு இலாகாவைச் சேர்ந்தவர்கள் குடித்திருக்கிறார்களா ? அப்படி எத்தனைப் பேர்கள் குடித்து, எத்தனை பேர்கள் வேலையிலிருந்து நீக்கப்பட்டிருக்கிறார்கள் ? "

THE HON. SRI C. SUBRAMANIAM :—" தனிக் கேள்வி போடும்படி கேட்டுக்கொள்ளுகிறேன்."

SRI M. KALYANASUNDARAM :—" கள்ளத்தனமாகக் குடித்த 9–10
குற்றத்திற்காக சர்க்கார் சிப்பந்திகளை வேலையிலிருந்து நீக்குவதால், a.m.
மேலும் வேலையில்லாத் திண்டாட்டம் அதிகரித்து, அவர்களும் கள்ளத்தனமாகச் சாராயம் காய்ச்சத் தொடங்கலாம். அதைத் தடுக்க சர்க்கார் என்ன நடவடிக்கை எடுப்பார்கள்."

THE HON. SRI C. SUBRAMANIAM :—" இது ஒரு பொதுப் பிரச்னை. இது சர்க்கார் அதிகாரிகளுக்கு மட்டுமல்ல ; எல்லோருக்கும் உள்ள ஒரு பிரச்னையாகும். ஆகவே இது பொதுவாகப் பார்க்கவேண்டிய ஒரு பிரச்னையாகும்."

SRI K. ARANGANATHAN :—" Since arrack is not included in the definition of ' liquor ' given in the Prohibition Act, many officers have been acquitted and they have escaped punishment. Are the Government aware of this? "

THE HON. SRI C. SUBRAMANIAM :—" I think this question should be addressed to my Hon. Colleague in charge of Prohibition."

Wynaad Colonization Scheme.

* 1656 *Q.*—DR. K. B. MENON : Will the Hon. the Minister for Agriculture be pleased to state—

(*a*) whether Sri W. R. S. Sathyanadhan, Member, Board of Revenue, has conducted any enquiry into the working of the Wynaad Colonization Scheme;

(*b*) if so, what his findings are; and

(*c*) whether the Government will make available to the Members a copy of his report?

THE HON. SRI M. BHAKTAVATSALAM :—" (*a*) & (*b*) No ' enquiry ' into the working of the Wynaad Colonization